

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Criminal No. 1:13cr48
	:	
KEITH WILLIE REED, et al.,	:	The Honorable Claude M. Hilton
	:	
Defendants.	:	

SENTENCING MEMORANDUM

COMES NOW the Defendant, Stanley Winston, by counsel, before this Court for sentencing upon a jury verdict of guilty on the following nine (9) counts:

1. Conspiracy in violation of Title 18, Section 1951(a) of the United States Code;
2. Interference with Commerce By Robbery (Navy Federal Credit Union) in violation of Title 18, Sections 2 and 1951(a) of the United States Code;
3. Interference with Commerce By Robbery (VVM, Inc.) in violation of Title 18, Sections 2 and 1951(a) of the United States Code;
4. Interference with Commerce By Robbery (Shopper's Food Warehouse) in violation of Title 18, Sections 2 and 1951(a) of the United States Code;
5. Armed Robbery of a Federal Credit Union in violation of Title 18, Sections 2 and 2113 (a) and (d) of the United States Code;
6. Using and Carrying a Firearm During and in Relation to a Crime of Violence (Navy Federal Credit Union) in violation of Title 18, Sections 2 and 924(c)(1)(A) of the United States Code;

7. Using and Carrying a Firearm During and in Relation to a Crime of Violence (VVM, Inc.) in violation of Title 18, Sections 2 and 924(c)(1)(A) of the United States Code;
8. Using and Carrying a Firearm During and in Relation to a Crime of Violence (Shopper's Food Warehouse) in violation of Title 18, Sections 2 and 924(c)(1)(A) of the United States Code; and
10. Possession of a Firearm by a Prohibited Person in violation of Title 18, Section 922(g)(1) of the United States Code.

While the applicable guideline range referenced on Worksheet D of the Presentence Investigation Report recommends a sentence of seventy-eight (78) to ninety-seven (97) months (or approximately six and one half (6 1/2) to eight (8) years) of incarceration, Counts 6, 7, and 8 carry a mandatory minimum sentences of five (5), twenty-five (25) and twenty-five (25) years, respectively. These mandatory minimum sentences, therefore, substantially elevate his sentence. Because the government did not prove Mr. Winston's possession of any of the guns in this case, beyond a reasonable doubt, as argued in Mr. Winston's Motion for Judgment of Acquittal, Mr. Winston asserts that the mandatory minimum sentences should not be imposed.

Mr. Winston, therefore, asks this Court to enter a disposition excluding the mandatory minimum sentences and impose a sentence consistent with recommended sentencing guidelines in this case, seventy-eight (78) to ninety-seven (97) months. Alternatively, Mr. Winston respectfully asks the Court to impose a sentence no more than the mandatory minimum sentence required.

FACTUAL BACKGROUND

On December 22, 2012, federal and state law enforcement orchestrated a collaborative investigation of four (4) individuals responsible for allegedly robbing an Arlington, Virginia branch of Navy Federal Credit Union. Following pursuit of the four (4) individuals into Fort Dupont Park in Washington, D.C., law enforcement apprehended Keith Willie Reed, Stanley Winston, Anthony Cannon, and Tobias Dyer. The government charged each with robbery of the Navy Federal Credit Union and then, pursuant to superceding Indictments, charged them with robbery of VVM, Inc., and a Shopper's Food Warehouse in Alexandria, Virginia. While Mr. Winston admits that the government presented sufficient evidence that the three robberies occurred, the evidence did not prove that he committed the robberies, beyond a reasonable doubt.

ACCEPTANCE OF RESPONSIBILITY

Stanley Winston maintains his innocence of all charges and therefore, does not accept responsibility for the crimes alleged.

ADVISORY SENTENCING GUIDELINES CALCULATION AND OTHER FACTORS AND CONSIDERATION

While the sentencing guidelines calculation provided by Probation Officer Glover is correct, Mr. Winston respectfully asks this Court for a sentence within the recommended sentencing guidelines range, without imposition of the mandatory minimum sentences for the gun related charges. As the Presentence Investigation Report states, Mr. Winston is one of six (6) brothers and sisters. Unfortunately Mr. Winston has had to endure the death and incarceration of many of his family members, including his Mother, who is currently held at the Fluvana Correctional Facility for

Women in Virginia. In addition, Mr. Winston suffers from bi-polar disorder, for which he is now receiving treatment.

Without taking into account any of Mr. Winston's background and mental health history, the sentencing guideline in this case is enhanced due to Mr. Winston's alleged violation of Title 18, Sections 924(C)(1)(A) and 922(g)(1) of the United States Code. Considering the minimal evidence presented by the government to prove that Stanley Winston possessed a gun in this case, imposition of a sentence that includes the severe enhancement required by Sections 924(C)(1)(A) and 922(g)(1) of the United States Code is inappropriate. As previously argued, the witnesses called upon to testify regarding the Navy Federal Credit Union, VVM Inc., and Shopper's Food Warehouse robberies provided very little information to identify Mr. Winston, thereby preventing the jury from concluding, beyond a reasonable doubt, that Mr. Winston possessed a firearm. In addition, the government failed to produce any evidence that the guns traveled through interstate commerce, a necessary element of a charge under Section 922(g)(1). It is therefore improper to impose fifty-five (55) years of incarceration where there is little to any evidence to support these substantial sentencing enhancements.

CONCLUSION

Mr. Winston, respectfully requests that this Court impose a sentence within the guideline range of seventy-eight (78) to ninety-seven (97) months.

STANLEY WINSTON
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October, 2013, I will electronically file this Sentencing Memorandum with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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